

Paying court-appointed counsel in capital cases  
(SB 12 by Short)

DIGEST: SB 12 would have required the state, rather than the counties to pay the costs of appointed counsel for defendants who could not afford a lawyer in death penalty cases.

GOVERNOR'S  
REASONS  
FOR VETO:

Under this bill, a judge would certify any amount the judge deemed appropriate to be paid to a court-appointed counsel in a capital case, and the Comptroller would be mandated to issue a warrant in that amount to the lawyer with no checks and balances or oversight by the state. In the past, when a county has had severe financial problems associated with an expensive trial, the Criminal Justice Division has provided grant funds for all costs, not just court-appointed counsel, but the Division also has some say in how the funds are spent.

SPONSOR'S  
VIEW:

Sen. Short said that the Governor was "ill-advised." This bill was widely supported by the counties and was one of their highest priority bills. The state currently pays for the high costs of indigent defense in some problem cases with Criminal Justice Division funds and the judge sets the costs to be reimbursed to appointed counsel -- the same system as spelled out in SB 12. If the Governor has difficulty with any possible lack of checks and balances, why has he allowed the current system to go uncorrected? The bill would simply bring some predictability to the system to allow the counties to set their budgets with the advance knowledge that any "shocks" that arose during the year from having to pay the unusually large costs associated with counsel for an indigent defendant in death penalty cases would be picked up by the state in every case.

NOTES: See also analysis of HB 1143 by Cain in this report. For more information on SB 12, see the HSG Daily Floor Report of May 29, 1981.

Classification of peace officers  
(SB 297 by Williams, Ogg)

DIGEST: This bill would have designated airport "security" personnel as airport "police" personnel.

GOVERNOR'S  
REASONS  
FOR VETO:

This bill drew objections from the cities it would have affected. It would have added to the costs of law enforcement. Some chiefs of police do not want security personnel under their supervision because of disparity in their training.

SPONSOR'S

VIEW:

The sponsor said the Governor responded to pressure from one or two cities in vetoing this bill. The sponsor believes that the Governor made a mistake.

NOTES:

For further information, see HSG Daily Floor Report of April 15, 1981.

Interest rate on judgments

(SB 555 by Mauzy)

SUMMARY:

The bill proposed raising the interest rate on judgments from the current 9 percent to a variable rate equal to the discount rate on 90-day commercial paper in effect at the Dallas Federal Reserve Bank. Interest would have accrued from the date the judgment was awarded.

GOVERNOR'S

REASONS

FOR VETO:

The Governor said the bill would have tied the rate to a constantly changing index, making the applicable rate difficult to compute. More importantly, he said, the bill failed to comply with the Constitutional requirement that the Legislature fix a maximum interest rate.

SPONSOR'S

VIEW:

Sen. Mauzy said he was "terribly disappointed" with the veto, adding, "It's a cruel thing for the Governor to sign a bill that raises to 28 percent the rate financial institutions can charge consumers, but refuse to raise the rate on judgments for widows and orphans." The sponsor said the Governor had simply yielded to lobby pressure from the insurance industry. "For years they've gotten by appealing cases. They only pay 9 percent on the judgment, and they can loan the money out at more than twice that during the appeal," he said. Responding to specific reasons the Governor gave for the veto, the sponsor said the applicable interest rate would be easy to determine, since the Federal Reserve publishes it every day. He was particularly critical of the Governor's charge that the absence of a maximum rate rendered the bill unconstitutional, calling it "typical of the type of constitutional analysis his office puts out."

NOTES:

The HSG analysis of the bill appeared in the May 15, 1981 Daily Floor Report.